HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 4702 of 2006

Petitioner — Ku. Shweta Vaidya
D/o-Shri Santosh Kumar Vaidya,
Aged about 20 years,
R/o-G-62, Shanti Nagar, Raipur, Chhattisgarh.

Versus

Respondents
1. State of Chhattisgarh, Through-Secretary, Department of Health, D.K.S. Bhawan, Mantralaya, Raipur, Chhattisgarh.
2. Chhattisgarh Professional Examination Board. Through - Controller, C/168, Taigore Nagar, Raipur, Chhattisgarh.
3. Director, Directorate of Medical Education, Old Nurses Hostel, D.K.S. Bhawan Campus, Raipur, Chhattisgarh.
4. Jawahar Lal Nehru Medical College, Raipur Through – Dean, Raipur, Chhattisgarh.

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Shri Pankaj Shrivastava, Advocate for the petitioner.

Shri Prashant Mishra, Additional Advocate General with Shri Utkarsh Verma, Panel lawyer for the respondents No. 1 to 3.

ORDER

(14th September, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner, having obtained Higher Secondary School Certificate, applied for Pre Medical Test to be held on 24th and 25th May, 2006 for admission to M.B.B.S. Course in the State Medical Colleges. The petitioner was declared as successful and was

directed to appear in counseling held on 26th August, 2006, vide order dated 29.7.2006 (Annexure P/4). The petitioner was denied admission on the ground that the petitioner is not a domicile of the State of Chhattisgarh.

2. Being aggrieved the petitioner has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of mandamus, directing the respondents to grant admission to the petitioner in appropriate medical course as per her rank.

3. The Chhattisgarh Medical and Dental Colleges Admission to Graduation Examination, Rules 2000 prescribes eligibility criteria, that a candidate should be a citizen of India and he should be a domicile of the State of Chhattisgarh. Explanation –I to clause – 3 (2) of the Rules, 2006 provides that the domicile of a candidate would be governed by various memos/circulars issued by the State of Chhattisgarh, time to time. The educational qualification for admission to graduate courses in medical colleges was Higher Secondary School Certificate with the subjects of Physics, Chemistry, Biology, with 50% marks. The petitioner has requisite educational qualification.

4. With regard to the domicile, the circular dated 17.6.2003 Annexure R-1/1 issued by the State Government prescribes that a domicile of the State of Chhattisgarh would mean a candidate who fulfills one criterion of the several criteria. One of the criteria is that the candidate should have obtained education for minimum three years in the State of Chhattisgarh or in any of the districts of the undivided State of Madhya Pradesh, which form part of the present State of Chhattisgarh. The State/respondents in their return has categorically stated that the petitioner's domicile of the State of

Chhattisgarh is not in dispute, in the following terms *"It is not disputed that she is a domicile of the State of Chhattisgarh. And, therefore, the circular issued to her by the Naib Tahsildar is also correct."*

5. In the course of argument Shri Prashant Mishra, learned Additional Advocate General appearing for the State/respondents fairly conceded and submitted that the domicile of the petitioner is not disputed and the petitioner is a domicile of the State of Chhattisgarh. The petitioner is entitled to admission in the medical colleges of the State, as per her rank in the list.

6. For the aforesaid reasons and categorical submission of the learned Additional Advocate General, this petition is allowed and the respondents No. 1 and 3 are directed to admit the petitioner in an appropriate course in any of the medical colleges of the Stat, as per her rank. No order as to costs.

Sd/- Chief Justice	**Sd/-** **Satish K. Agnihotri** **Judge**

Thakur